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April 1, 2011

VIA FACSIMILE
TO 1-631-712-5636

Honorable Sandra J. Feuerstein
United States District Judge
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

Re: Capital One, National Association v. Alrose Peppertree LLC, et al., CV 11-1526 (SJF)

Dear Judge Feuerstein:

This afternoon I spoke with your clerk and was advised that an Order to Show Cause had been signed and the hearing is scheduled for Monday, April 4th, at 11:00 a.m. On Monday, I will be in court in Boston handling a class action settlement which can not be adjourned. However, I am available on Tuesday, April 5th, and am respectfully requesting this one day adjournment. Please advise if this request can be granted. I also ask that we be allowed to serve the other parties on Monday with all the papers for the Tuesday hearing if the adjournment is granted.

Respectfully submitted,

A handwritten signature in black ink that reads 'Thomas P. Battistoni'.

Thomas P. Battistoni

TPB:laf

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